Statement

Extract of recommendations from 178 tf? *Report of the Law Commission*

"164A (1) Any police officer making an investigation into any offence punishable with imprisonment for a period of ten years or more (with or without fine) including an offence which is punishable with death, shall in the course of such investigation, forward all persons whose evidence is essential for the just decision of the case, to the nearest Magistrate for recording their statements.

(2) The Magistrate shall record the statements of such persons forwarded to him under sub-section (1) on oath and shall keep such statements with him awaiting further police report under section 173.

(3) Copies of such statements shall be furnished to the investigating officer.

(4) If the Magistrate recording the statement is not empowered to take cognizance of such offence, he shall send the statements so recorded to the magistrate empowered to take cognizance of the case.

(5) The statement of any person duly recorded as a witness under sub-section (1) may, if such witness is produced and examined, in the discretion of the court and subject to the provisions of the Indian Evidence Act, 1872, be treated as evidence".

Pending cases in High Courts

†103. SHRIMATI SAVITA SHARDA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the total number of pending cases in the High Courts in the country;

(b) the provision with regard to disposal of the cases per judge, per yean

(c) the name of High Courts'which had disposed of the highest and the lowest number of cases during the year 2001 -2002;

†Original notice of the question was received in Hindi.

(d) the reasons for disposal of such a low number of cases by High Courts;

(e) whether Government have formulated any scheme for speedy disposal of cases by the High Courts; and

(f) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) As per latest available information, there are 36,40,870 cases pending in various High Courts in the country.

(b) The Malimath Committee has recommended that rate of disposal of main cases per judge, per year should be 800. However, as per the latest figures, the estimated (provisional) National rate of disposal per judge per year in High Court is 1745 cases (approx.), calculated on the basis of the formula, suggested by the Malimath Committee.

(c) As per latest available information, Madras High Court had disposed of the highest number of cases and the Sikkim High Court had disposed of the lowest number of cases during the year 2001.

(d) This relates to substantive functioning of judiciary. However, Sikkim High Court has the lowest institution and the lowest pendency of cases. Therefore, the disposal of cases is the lowest in the Sikkim High Court.

(e) No, Sir. It is within the exclusive domain of the High Courts. However, both Government and judiciary are concerned with pendency of cases in the judiciary including pendency of cases in High Courts. The High Courts have been requested to implement the recommendations of the Malimath Committee to streamline procedure which will, *inter-alia,* expedite disposal of pending cases.

(f) Does not arise.

National Conference on Law and Justice Reforms

†104. SHRI MOTILAL VORA: Will the Minister of LAW AND JUSTICE be pleased to state:

†Original notice of the question was received in Hindi.